

Article - Alcoholic Beverages

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§1–101.

(a) In this article the following words have the meanings indicated.

(b) (1) “Alcoholic beverage” means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:

- (i) contains at least one-half of 1% of alcohol by volume; and
- (ii) is suitable for beverage purposes.

(2) “Alcoholic beverage” includes alcohol, brandy, whiskey, rum, gin, cordial, beer, and wine.

(3) “Alcoholic beverage” does not include a confectionery food product that contains up to 5% of alcohol by volume and is regulated by the Maryland Department of Health under § 21–209 of the Health – General Article.

(c) (1) “Beer” means a brewed alcoholic beverage.

(2) “Beer” includes:

- (i) ale;
- (ii) porter;
- (iii) stout;
- (iv) hard cider that:

1. is derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water; and

2. contains no other fruit product but contains at least one-half of 1% and less than 8.5% of alcohol by volume;

(v) an alcoholic beverage that contains:

1. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the alcoholic beverage’s overall

alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; or

2. more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; and

(vi) mead.

(d) "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(e) "Club" means an association or a corporation that is:

(1) organized and operated exclusively for educational, social, fraternal, patriotic, political, or athletic purposes; and

(2) nonprofit.

(f) "Commission" means the Alcohol and Tobacco Commission.

(g) (1) "Comptroller" means the Comptroller of the State.

(2) "Comptroller" includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Comptroller.

(h) "Consumer" means an individual at least 21 years old or a corporation not otherwise prohibited by this article or any other State law, that buys, possesses, keeps, or transports alcoholic beverages on which the taxes under Title 5 of the Tax – General Article have been paid, for the individual's or corporation's own use and not for sale.

(i) "County" means a county of the State or Baltimore City.

(j) (1) "Executive Director" means the Executive Director of the Commission.

(2) "Executive Director" includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Executive Director.

(k) (1) "Family beer" means homemade beer produced for home consumption and not for sale.

(2) “Family beer” includes beer produced at a family beer and wine facility that has been granted a permit under § 2–138 of this article.

(l) (1) “Family wine” means homemade wine produced for home consumption and not for sale.

(2) “Family wine” includes wine produced at a family beer and wine facility that has been granted a permit under § 2–138 of this article.

(m) (1) Subject to paragraph (2) of this subsection, “hotel” means an establishment that:

(i) accommodates the public;

(ii) is equipped with at least 10 bedrooms and a dining room with facilities for preparing and serving regular meals; and

(iii) has average daily receipts from the rental of rooms and sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(2) By regulation, a local licensing board may set a different standard as to what constitutes a hotel.

(n) “Illicit alcoholic beverage” means an alcoholic beverage that has been manufactured, bottled, or rectified:

(1) in the State at a location not licensed under this article; or

(2) outside the State at a location not licensed under the United States Internal Revenue Code or the laws of a foreign country.

(o) “Jurisdiction” means a county or the City of Annapolis.

(p) “License” means an alcoholic beverages license issued under this article.

(q) (1) “License holder” means the holder of a license issued or a permit granted under this article.

(2) “License holder” includes:

(i) a county liquor control board and a county dispensary; and

(ii) for the delivery and billing purposes of Title 2, Subtitle 3 and §§ 2–213 and 2–314 of this article, a corporation on behalf of which an individual has obtained a license.

(r) “Liquor” has the same meaning as “distilled spirits” under § 5–101(g) of the Tax – General Article.

(s) (1) “Local collecting agent” means:

(i) in the City of Annapolis, the city clerk;

(ii) in Allegany County, Baltimore County, Howard County, Prince George’s County, or Wicomico County, the director of finance;

(iii) in Calvert County, Dorchester County, St. Mary’s County, or Somerset County, the treasurer of the county; or

(iv) in each other county, the board of license commissioners unless another governmental unit is expressly authorized to collect fees under this article.

(2) “Local collecting agent” does not include a clerk of a circuit court.

(t) “Local licensing board” means a board of license commissioners or other governmental unit of a jurisdiction that issues licenses.

(u) “Manufacturer’s license” means a license issued under Title 2, Subtitle 2 of this article that is:

(1) a Class 1 distillery license;

(2) a Class 2 rectifying license;

(3) a Class 3 winery license;

(4) a Class 4 limited winery license;

(5) a Class 5 brewery license;

(6) a Class 6 pub–brewery license;

(7) a Class 7 micro–brewery license;

(8) a Class 8 farm brewery license; or

(9) a Class 9 limited distillery license.

(v) “Mead” means a fermented alcoholic beverage consisting primarily of honey and water.

(w) “Off-sale” means the sale of alcoholic beverages that are to be consumed off the licensed premises.

(x) “On-sale” means the sale of alcoholic beverages that are to be consumed on the licensed premises.

(y) “Person” means:

(1) an individual;

(2) an association, a partnership, a corporation, a trust, or any other entity, and the officers, directors, and other individuals in active control of the activities of the association, partnership, corporation, trust, or other entity; or

(3) (i) the State or a political subdivision of the State, or a unit or an instrumentality of the State or a political subdivision of the State; or

(ii) another state or a political subdivision of that state.

(z) “Pomace brandy” means brandy that is distilled from the pulpy residue of wine pressing, including the skins, pips, and stalks of grapes.

(aa) (1) Subject to paragraph (2) of this subsection, “restaurant” means an establishment that:

(i) accommodates the public;

(ii) is equipped with a dining room with facilities for preparing and serving regular meals; and

(iii) has average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(2) By regulation, a local licensing board may set a different standard as to what constitutes a restaurant.

(bb) (1) “Retail dealer” means a person that sells an alcoholic beverage to any person other than a license holder.

(2) “Retail dealer” includes a county dispensary.

(cc) “7–day license” means a license that is in effect every day of the week.

(dd) “6–day license” means a license that is in effect Monday through Saturday.

(ee) (1) Except as provided in paragraph (2) of this subsection, “state” means:

(i) a state, possession, territory, or commonwealth of the United States; or

(ii) the District of Columbia.

(2) When capitalized, “State” means Maryland.

(ff) “Tobacco” includes cigarettes regulated under Title 16 of the Business Regulation Article and other tobacco and related products regulated under Titles 16.5 and 16.7 of the Business Regulation Article.

(gg) (1) “Wholesaler” means:

(i) a person that purchases or imports an alcoholic beverage for sale to wholesale dealers or retail dealers only; or

(ii) a limited winery that sells wine to retail dealers.

(2) “Wholesaler” includes:

(i) a county liquor control board; and

(ii) a county wholesale dispensary.

(hh) “Wholesaler’s license” means a license issued under Title 2, Subtitle 3 of this article that is:

(1) a Class 1 beer, wine, and liquor license;

(2) a Class 2 wine and liquor license;

(3) a Class 3 beer and wine license;

- (4) a Class 4 beer license;
 - (5) a Class 5 wine license;
 - (6) a Class 6 limited wine license; or
 - (7) a Class 7 limited beer license.
- (ii) (1) “Wine” means a fermented beverage.
 - (2) “Wine” includes:
 - (i) light wine;
 - (ii) sparkling wine that is naturally or artificially carbonated;
 - (iii) fortified wine to which alcohol, spirits, or other ingredients

and

are added.

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